

JONES DAY

555 CALIFORNIA STREET, 26TH FLOOR • SAN FRANCISCO, CALIFORNIA 94104

TELEPHONE: (415) 626-3939 • FACSIMILE: (415) 875-5700

Direct Number: (415) 875-5721
jpbaker@jonesday.com

VIA EMAIL

July 7, 2008

Timothy J. Fricker
James Gerald Mellen
Fricker & Mellen & Associates
409 – 13th Street, 17th Floor
Oakland, CA 94612

Nancy L. Stagg
Steven E. Fox
Fish & Richardson, P.C.
12390 El Camino Real
San Diego, CA 92130

Re: *Tjuatja v. Chi Management Group LP Short and Long Term Disability Plan*
USDC N.D. Cal. Case No. 08-0896 MMC

Dear Counsel:

This will confirm that we have scheduled the mediation in this case for Tuesday, July 29, 2008. We will meet at my offices at Jones Day, 555 California Street, 26th Floor, San Francisco, CA 94104 at 9:00 a.m. We agreed to keep the whole day available to allow the mediation to continue as long as it is being productive.

Please make sure that the written statements described in ADR L.R. 6-7 are exchanged and in my office by July 21, 2008. Please include any key documents you feel I should read. If you think it would be helpful to our mediation, I also invite you to submit to me – but not exchange – confidential statements relating, for example, to obstacles to or options for settlement.

Also, please remember to arrange for your clients' and an insurance carrier representative's attendance. Please provide a list of all attendees to my paralegal, Ginny Aldajani, 415.875.5713 or via email at valdajani@jonesday.com by Monday, July 28, 2008 so they may be added to our building's security list.

Please prepare for the mediation by discussing each of the following items with your clients:

- clients' interests, not just positions, and how these interests could be met;
- other side's interests, and how these could be met;
- best and worst alternatives to a negotiated settlement;
- strengths and weaknesses of case; and
- estimated budget to litigate the case through trial.

As we discussed, under ADR L.R. 6-3(b) I will donate my preparation time and the first four hours of the mediation. If the case is not resolved and you all agree to continue, I may

SFI-586247v1

ATLANTA • BEIJING • BRUSSELS • CHICAGO • CLEVELAND • COLUMBUS • DALLAS • FRANKFURT • HONG KONG • HOUSTON
IRVINE • LONDON • LOS ANGELES • MADRID • MILAN • MOSCOW • MUNICH • NEW DELHI • NEW YORK • PARIS • PITTSBURGH
SAN DIEGO • SAN FRANCISCO • SHANGHAI • SILICON VALLEY • SINGAPORE • SYDNEY • TAIPEI • TOKYO • WASHINGTON


JONES DAY

July 7, 2008
Page 2

charge the court-set rate of \$200 per hour for the next four hours. After eight hours of session time, I will charge my standard hourly rate of \$700.

I look forward to working with you and your clients.

Very truly yours,



James P. Baker

cc: Alice M. Fiel, Clerk's Office-ADR Unit